

COPY OF PLEADING PROVIDED BY PLT

CAUSE NO. 202409380

*Delivered
2/21/24*

RECEIPT NO: 1010509

TRACKING NO: 74289926 EML

Plaintiff:

SALAZAR, THELMA ELIZABETH (AS HEIR OF THE ESTATE OF
ROSALINDA RAMOS)

vs.

Defendant:

SPIRIT AIRLINES INC

In The 165th
Judicial District Court ofHarris County, Texas
201 CAROLINE
Houston, Texas

CITATION CORPORATE

THE STATE OF TEXAS
County of HarrisTo: SPIRIT AIRLINES INC (A FOREIGN FOR-PROFIT CORPORATION) MAY BE SERVED THROUGH THEIR
REGISTERED AGENT CORPORATE SERVICE COMPANY D/B/A CSC- LAWYERS INCORPORATING SERVICE COMPANY
211 E 7TH STREET SUITE 620, AUSTIN TX 78701

Attached is a copy of: PLAINTIFF'S ORIGINAL PETITION

This instrument was filed on February 13, 2024 in the above cited cause number and court.
The instrument attached describes the claim against you.

YOU HAVE BEEN SUED. You may employ an attorney. If you or your Attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration date of 20 days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

This citation was issued on February 16, 2024, under my hand and seal of said court.

Issued at the request of:

GARCIA, ABRAHAM
150 W. PARKER RD., STE. 705-B

HOUSTON, TX 77076
281-962-7772
Bar Number: 24078005

*Marilyn Burgess*

Marilyn Burgess, District Clerk
Harris County, Texas
201 CAROLINE Houston Texas
77002
(PO Box 4651, Houston, Texas
77210)

Generated By:ADILIANI SOLIS

Tracking Number: 74289926 EML

CAUSE NUMBER: 202409380

PLAINTIFF: SALAZAR, THELMA ELIZABETH (AS HEIR OF THE ESTATE OF ROSALINDA RAMOS) In the
165th
vs. Judicial District Court of
DEFENDANT: SPIRIT AIRLINES INC Harris County, Texas

OFFICER - AUTHORIZED PERSON RETURN

Came to hand at _____ o'clock ___. M. on the _____ day of _____,
20_____. Executed at

(Address) _____
_____ in

_____ County at o'clock ___. M. On the _____ day of
_____, 20_____, by

Delivering to _____ defendant, in person, a true
copy of this Citation together with the accompanying _____ copy (ies) of the «Attachment».
Petition attached thereto and I endorsed on said copy of the Citation the date of delivery.

To certify which I affix my hand officially this _____ day of
_____, 20_____.
_____, 20_____.
_____, 20_____.

Fees \$ _____

By _____
Affiant

Deputy

On this day, _____, known to me to be the
person whose signature appears on the foregoing return, personally appeared. After being by
me duly sworn, he/she stated that this citation was executed by him/her in the exact manner
recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, On this _____ day of _____,
20_____.
_____, 20_____.

Notary Public

2/13/2024 12:00 PM

Marilyn Burgess - District Clerk Harris County

Envelope No. 84450971

By: Adiliani Solis

Filed: 2/13/2024 12:00 PM

2024-09380 / Court: 165

CAUSE NO. _____

THELMA ELIZABETH SALAZAR AS
HEIR OF THE ESTATE OF
ROSALINDA RAMOS

Plaintiff

VS.

SPIRIT AIRLINES, INC. AND
CITY OF HOUSTON D/B/A
GEORGE BUSH
INTERCONTINENTAL AIRPORT

Defendants

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

NOW COMES, Plaintiff, THELMA ELIZABETH SALAZAR AS HEIR OF THE ESTATE OF ROSALINDA RAMOS, and files this Original Petition against Defendants, SPIRIT AIRLINES, INC. AND CITY OF HOUSTON D/B/A GEORGE BUSH INTERCONTINENTAL AIRPORT, and for cause would respectfully show the following:

I. DISCOVERY CONTROL PLAN LEVEL

1. Pursuant to Texas Rule of Civil Procedure 190.1, discovery level II. Plaintiff affirmatively plead that this case is, on its facts, not appropriate for prosecution under the expedited actions process under Texas Rule of Civil Procedure 169.

II. PARTIES AND SERVICE

2. Plaintiff, THELMA ELIZABETH SALAZAR AS HEIR OF THE ESTATE OF ROSALINDA RAMOS is an individual residing in Harris County, Texas.

3. Defendant, SPIRIT AIRLINES, INC., is a foreign for-profit corporation and may be served with process with their registered agent, Corporate Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701.

4. Defendant, CITY OF HOUSTON D/B/A GEORGE BUSH INTERCONTINENTAL AIRPORT is a governmental entity and may be served with process by serving the City Secretary, Anna Russell at 901 Bagby, Houston, Texas 77002.

5. To the extent that the above-named Defendants are conducting business pursuant to a trade name or assumed name, then suit is brought against them pursuant to the terms of Rule 28 of the Texas Rules of Civil Procedure and Plaintiffs hereby demand that upon answering this lawsuit, that it answer in its correct legal name and assumed name.

III. JURISDICTION AND VENUE

6. The subject matter in controversy is within the jurisdictional limits of this court.

7. This court has jurisdiction over Defendants because they are Texas entities.

8. Venue is proper in Harris County, Texas; pursuant to Section 15.002 (s) (1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions occurred in this county.

IV. MISNOMER/ALTEREGO

9. In the event any parties are misnamed or are not included herein, it is Plaintiff's contention that such was a "misidentification," "misnomer," and/or such parties are/were "alter egos" of parties named herein. Alternatively, Plaintiff contends that such "corporate veils" should be pierced to hold such parties properly included in the interest of justice.

V. RESPONDEAT SUPERIOR/JOINT ENTERPRISE/VICARIOUS LIABILITY EMCSA LIABILITY AND COURSE & SCOPE OF EMPLOYMENT

10. CITY OF HOUSTON D/B/A GEORGE BUSH INTERCONTINENTAL AIRPORT, is legally responsible to the Plaintiff for the negligent conduct of SPIRIT AIRLINES, INC. under the legal doctrines of respondeat superior, agency, and/or ostensible

agency, because Defendant, **SPIRIT AIRLINES, INC.** was, at all times material to this lawsuit, an agent, ostensible agent, servant, employee of, or in joint enterprise with **CITY OF HOUSTON D/B/A GEORGE BUSH INTERCONTINENTAL AIRPORT** and was acting within the course and scope of such agency or employment at the time of the collision made the basis of this lawsuit. As a result, Defendant, **CITY OF HOUSTON D/B/A GEORGE BUSH INTERCONTINENTAL AIRPORT**, is liable for all of the negligent acts committed by Defendant, **SPIRIT AIRLINES, INC.**

VI. FACTS

11. On or about February 26, 2023, Plaintiff was an invitee on Defendant's premises, attending a flight in a reasonable and prudent manner, exercising care for her safety, and the safety of others. The incident occurred when the Plaintiff fell at Defendant's premises. Defendant failed to provide Plaintiff with a wheelchair upon disembarking her flight. As a result of failing to attend to Plaintiff and provide her with a wheelchair, Plaintiff fell on Defendant's premises and sustained injury. Defendants failed to tend to the Plaintiff's condition or assist the Plaintiff to ensure her safety in the first place by not effectively providing a wheelchair. Defendants were in the best position to eliminate and/or warn of this unreasonably dangerous condition. Defendants' breach of its duty proximately caused Plaintiff's injuries.

VII. PLAINTIFF'S CLAIM OF NEGLIGENCE AGAINST DEFENDANTS

12. At the time of the accident, Defendants negligently failed to maintain their premises in a safe and reasonable manner. Defendants had a duty to exercise ordinary care and reasonably and prudently maintain their premises safe for all people on the property. Defendants

breached that duty in one or more way, each of which singularly or in combination with others was the proximate cause of the occurrence in question.

13. In addition, Defendants do not have in place policies or procedures that require, instruct, or direct it employees in making the premises reasonably safe. If such policies or procedures exist, then Defendants failed to enforce them. Defendants failed to train their employees in making the premises safe. And Defendants further failed to properly and adequately supervise and oversee its premises so as to prevent occurrences such as this one.

VIII. PLAINTIFF'S CLAIM OF PREMISES LIABILITY AGAINST DEFENDANTS

14. The Defendants had a duty to exercise the ordinary care of a premises operator and landlord to business invitees, i.e., the Plaintiff. The Defendants failed to make their premises safe for everyone entering the premises, including guests, invitees, and patrons. Defendants had actual and/or constructive knowledge of this condition and failed to make safe or warn Plaintiff of the dangerous condition posed on Defendants' floor. This condition was not open or obvious, and Defendants was in the best position to make the condition safe.

IX. DAMAGES FOR PLAINTIFF

15. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiffs THELMA ELIZABETH SALAZAR AS HEIR OF THE ESTATE OF ROSALINDA RAMOS, was caused to suffer serious bodily injuries, and to incur the following damages for which Plaintiffs seeks monetary relief of over \$250,000.00 but not more than \$1,000,000.00:

Unofficial Copy

A. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiffs, THELMA ELIZABETH SALAZAR AS HEIR OF THE ESTATE OF ROSALINDA RAMOS for the necessary care and treatment of the injuries resulting from the accident and/or the aggravation of prior injuries and such charges are reasonable and were usual and customary charges for such services in Harris County, Texas;

B. Reasonable and necessary medical care and expenses, which will in all

reasonable probability be incurred in the future;

- C. Physical pain and suffering in the past;
- D. Physical pain and suffering in the future;
- E. Physical impairment sustained in the past;
- F. Physical impairment sustained in the future;
- G. Loss of earnings in the past;
- H. Loss of earning capacity which will, in all probability, be incurred in the future;
- I. Mental anguish in the past; and
- J. Mental anguish in the future.

X. REQUIRED DISCLOSURE

16. Pursuant to Texas Rule of Civil Procedure 194(a), each Defendant is required to disclose, within thirty (30) days of the filing of the first answer, the information or material described in Rule 194.2(b)1-12. Any Defendant that is served or otherwise joined after the filing of the first answer must make their initial disclosures within thirty (30) days after being served or joined.

XI. PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, THELMA ELIZABETH SALAZAR AS HEIR OF THE ESTATE OF ROSALINDA RAMOS, respectfully pray that the Defendants be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff and against Defendants for damages in an amount within the jurisdictional limits of the Court; together with pre-judgment interest (from the date of injury through the date of judgment) at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully Submitted,

KGS LAW GROUP

By: /s/ Abraham Garcia

Brandon A. Kinard

State Bar No. 24079744

Abraham Garcia

State Bar No. 24078005

Carlos A. Saldaña

State Bar No. 24086403

150 W Parker Rd, Suite 705-B

Houston, Texas 77076

Telephone No. (281) 962-2972

Facsimile No. (281) 962-7773

E-Service and Correspondence Email: Service@kgslawpllc.com

ATTORNEYS FOR PLAINTIFF

Automated Certificate of eService

This automated certificate of service was created by the efilng system. The filer served this document via email generated by the efilng system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

BRANDON KINARD on behalf of ABRAHAM GARCIA

Bar No. 24078005

KGS@KGSLAWGROUP.COM

Envelope ID: 84450971

Filing Code Description: Petition

Filing Description: Petition

Status as of 2/13/2024 1:16 PM CST

Case Contacts

Name	BarNumber	Email	Timestamp Submitted	Status
Abraham Garcia		service@kgslawpllc.com	2/13/2024 1:16:31 PM	SENT